

**City of Heyburn Council Meeting**  
**Wednesday, May 12, 2021**  
**7:00 P.M.**

**Mayor:** Absent.

**Council Present:** Chad Anderson, Joanne Justesen, Rose Schmitt, and Rick Tundag.

**Employees Present:**

Paul Ross, Mike Devers, Cole Kuta, Ivan McCracken, Brian Vail, and Ashlee Langley.

**Employees Absent:** Tony Morley.

**Welcome & Pledge:**

Meeting conducted by Council President Joanne Justesen who welcomed everyone to the meeting and asked Cleo Gallegos to lead those present in the Pledge of Allegiance.

Council President Joanne Justesen stated City Administrator Tony Morley is excused from the meeting. She also informed those present that Mayor Galbraith is also excused.

City Attorney Paul Ross reviewed the process of when a Mayor is absent, that in the Mayor's absence the Council President can conduct the meeting and still allowed to vote as a member of the Council.

**Discuss / Consider the Minutes of the April 28, 2021 City Council Meeting & Public Hearing**

– **ACTION ITEM**

Those present reviewed the minutes of the April 28, 2021 City Council Meeting & Public Hearing.

Motion by Chad Anderson to approve the minutes of the April 28, 2021 City Council Meeting & Public Hearing as presented. Second by Rose Schmitt. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Paying the Bills – ACTION ITEM**

Those present reviewed and asked questions regarding the bills being presented. Wastewater Department Head Brian Vail answered questions regarding the bill from Ibex Controls LLC.

After discussion, motion by Chad Anderson to approve the bills as presented. Second by Rose Schmitt. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 17 – ACTION ITEM**

City Engineer Ivan McCracken presented Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 17 in the amount of \$278,482 to those present. Mr. McCracken confirmed the application has been approved by all the required agencies.

Motion by Joanne Justesen to approve Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 17 in the amount of \$278,482 as presented. Second by Chad Anderson. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider R & 17<sup>th</sup> Street Lift Station, Forcemain, and Gravity Sewer Piping Contractor's Application for Payment No. 1 – ACTION ITEM**

Those present reviewed Contractor's Application for Payment No. 1 in the amount of \$459,135 for the R & 17<sup>th</sup> Street Lift Station, Forcemain, and Gravity Sewer Piping.

Motion by Chad Anderson to approve the R & 17<sup>th</sup> Street Lift Station, Forcemain, and Gravity Sewer Piping Contractor's Application for Payment No. 1 in the amount of \$459,135 as presented. Second by Rick Tundag. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Waiver of Fees for Use of Riverside Park (Amphitheater) Oats Family Center – Sally Hall – ACTION ITEM**

Sally Hall with Oats Family Center asked the council to consider waiving the fees for the use of the Amphitheater at Riverside Park for a Walk for Wellness event on May 14, 2021 at 5:30 PM. Ms. Hall stated the event will include free food, fun and a raffle promoting living well, loving life, and being healthy. Oats Family Center obtained the necessary insurance for the event.

Motion by Chad Anderson to approve the waiver of fees for the use of the Amphitheater at Riverside Park for Oats Family Center on May 14, 2021 for a Walk for Wellness event as presented. Second by Rose Schmitt. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Acceptance of Wastewater from Mart Produce – ACTION ITEM**

City Engineer Ivan McCracken presented a proposal for the council's consideration to accept wastewater from Mart Produce for a potato dehydration operation within the Burley-Heyburn Industrial Park. Mr. McCracken stated the amount of water used in the dehydration process is anywhere from 15,000 to 125,000 gallons per day. Mr. McCracken stated if the Council agrees to move forward a Memorandum of Understanding would be created to address concerns regarding timelines, rates, funding, and pretreatment. Mr. McCracken stated the Council is only being asked to consider a commitment to accept wastewater from Mart Produce.

Julian Critchfield, CEO & President and Marc Christensen, General Manager of Mart Produce were in attendance to answer any questions of the city council.

After discussion, motion by Chad Anderson to approve the acceptance of wastewater from Mart Produce and move forward with the project. Council President Joanne Justesen asked if she could add conditions to the motion for compliance with the Memorandum of Understanding. Councilman Anderson stated he would take back his motion or amend the motion to add Council President Joanne Justesen's additions. Motion died due to the lack of a second.

City Engineer Ivan McCracken stated it sounds like the motion is to move forward with the acceptance of wastewater from Mart Produce given successful negotiations on the Memorandum of Understanding and the items included therein. (What were the items, we probably want to list those.)

After further discussion, motion by Rose Schmitt to approve the acceptance of wastewater from Mart Produce given successful negotiations on the Memorandum of Understanding and the items included therein. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Ordinance No. 2021-642 Ordinance of the City of Heyburn, Changing the Name of 400 West Road North of 21<sup>st</sup> Street and South of Interstate 84 to “A” Street, Assigning New Addresses for all Parcels on that Road, and Assigning New Address for Gerardo & Maria Salinas on 14<sup>th</sup> Street – ACTION ITEM**

City Attorney Paul Ross presented Ordinance No. 2021-642 to those present. Mr. Ross stated City Administrator Tony Morley and Building Inspector Ernest Juarez have been attempting to make contact with all the residents this address change would affect. Mr. Ross stated he was unaware of any concerns from the residents regarding the change in addressing. The City will continue to attempt to contact the affected households.

Mr. Ross stated a resident brought it to the City's attention that Queens Way also needs corrected. Mr. Ross stated Queens Way is currently showing as Queen Way which is causing issues with GIS and Emergency Services. Mr. Ross suggested adding the address correction to Ordinance No. 2021-642. Asked for guidance on Queens Way or extending 20<sup>th</sup> Street.

After discussion, motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2021-642 once by title only for the first of three readings. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

City Attorney Paul Ross read Ordinance No. 2021-642 once by title only.

**Discuss / Consider Purchase & Sale Agreement with United Electric for Frontage on 21<sup>st</sup> Street – ACTION ITEM**

City Attorney Paul Ross presented the Purchase & Sale Agreement with United Electric to those present. Mr. Ross stated the city has been in discussions with United Electric for frontage along 21<sup>st</sup> Street to prepare for the ongoing expansion of 21<sup>st</sup> Street. Mr. Ross stated the city is asking for 45 feet by 494.9 feet of property from United Electric. Those present discussed how the change in ownership would affect existing utility service lines and United Electric's sign.

After discussion, motion by Rose Schmitt to approve the Purchase & Sale Agreement with United Electric for frontage on 21<sup>st</sup> Street for \$21,280.70 and adding language regarding the sign that needs relocated and existing utilities that may be affected. Second by Rick Tundag.

Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider BKI Engineering Services Statement of Work for the Riverton Substation Upgrade – ACTION ITEM**

City Engineer Ivan McCracken presented the BKI Engineering Services Statement of Work to those present. Mr. McCracken stated the City selected BKI Engineering to perform design services for the Riverton Substation. Mr. McCracken provided information to those present regarding the current transformer at the substation stating it was installed decades ago and is showing signs of age. Mr. McCracken stated the current lead time to get a new transformer is anywhere from 40 to 50 weeks. Mr. McCracken stated the estimated cost of the new transformer is between \$600,000 to \$775,000 and city staff would like to get the new transformer ordered.

Mr. McCracken stated the estimated cost for the substation design work to be completed is \$149,496.

After discussion, motion by Joanne Justesen to approve the BKI Engineering Services Statement of Work for the Riverton Substation Upgrade with a not to exceed amount of \$149,496 as presented. Second by Rose Schmitt. Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Mayors Time, Committee Reports, and Department Reports**

Council President Joanne Justesen mentioned the addition of the new sound system in the Council Chambers.

Council President Joanne Justesen asked if there were any committee reports. No committee reports.

**Comments from the Public (Each person has 3 min. to comment).**

Council President Joanne Justesen opened this time up to the public for additional comments.

Cleo Gallegos commended the council on the hard decisions and as a citizen she appreciates it. Mrs. Gallegos stated she is concerned she has witnessed a lack of transparency with the Council and it is not fair for them to properly do their job. She stated she thinks its appalling that she perceives the Council does not know what is going on. Mrs. Gallegos stated the new audio system is amazing.

Doug Nilsson commented on Ordinance No. 2021-642 for the renaming of streets. Mr. Nelson stated his concerns regarding the street name change of his home on Blue River Drive which he stated was done two years ago and his address has still not been updated on google maps, utility companies, and the GPS navigation system.

Cecil Salazar stated he agreed with Mrs. Gallegos regarding the lack of information being relayed to the Council. Mr. Salazar thanked the Council for their service.

**Executive Session Pursuant to Idaho Code 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.**

**- ACTION ITEM**

Motion by Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(b).  
Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Executive Session Minutes**

The Executive Session was conducted by Council President Joanne Justesen. The topic was a matter of (b) personnel.

The Executive Session began at 8:13 PM.

No decisions were made.

Motion by Chad Anderson to adjourn executive session. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

Executive Session returned to open session at 9:07 PM.

**Motion to Adjourn - ACTION ITEM**

Motion by Joanne Justesen to adjourn the council meeting. Second by Rick Tundag.  
Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

The council meeting adjourned at 9:07 PM.

Joanne Justesen  
Council President

Ashlee Langley  
City Clerk/Treasurer